



The following constitutes the order of the court.
Signed December 4, 2012

William J. Lafferty, III
UNITED STATES *William J. Lafferty, III*
U.S. Bankruptcy Judge
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

In re No. 10-71788 WJL
Chapter 7

Jesus Edgar Montano,

Debtor.

Heritage Pacific Financial, LLC

A.P. No. 11-4008

Plaintiff.

vs.

Jesus Edgar Montano,

Defendant.

MEMORANDUM RE PROPOSED ORDER FOR FEES AND COSTS

On October 24, 2012, the Court held a hearing in the above-captioned case on Plaintiff's Motion for Attorney's Fees and Costs (Dkt. No. 154). At the hearing, the Court issued an oral ruling granting the Motion. The Court did identify the costs and fees associated with discovery as containing duplicative entries and ordered Plaintiff to file a supplemental declaration, consistent with the Court's conclusions, setting forth the correct calculations.

1 The Court having reviewed Plaintiff's further submission re
2 amounts payable, it appears that there is some confusion over the
3 Court's ruling. The Court's ruling is that in the category titled
4 "Main Discovery", there is substantial duplication of time by two
5 attorneys (See Dkt. No. 169, Exh. A). As explained at the oral
6 ruling, approximately 25% of the entries appeared non-duplicative.
7 75% appeared to count duplicative work. 50% of the duplicative
8 work, i.e., 37.5% of the "Main Discovery" category, is disallowed.
9 The total amount of the category is \$23,100.50. Therefore, fees in
10 the amount of \$14,437.81 are allowed. The Court notes that
11 Defendant's counsel identified particular entries that were non-
12 duplicative. The Court does not dispute this but these entries are
13 included within the 25% deemed non-duplicative.

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15 ****END OF ORDER***
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COURT SERVICE LIST

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